

By: Brown

S.J.R. No. 71

SENATE

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the election of a  
2 district attorney in Fort Bend County.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article XVI of the Texas Constitution is amended  
5 by adding Section 65A to read as follows:

6 Sec. 65A. Notwithstanding Section 65 of this article, the  
7 election and term of office of a district attorney serving a  
8 judicial district composed entirely of Fort Bend County are  
9 governed by the law relating to criminal district attorneys.

10 SECTION 2. The following temporary provision is added to the  
11 Texas Constitution:

12 TEMPORARY PROVISION. (a) This temporary provision applies  
13 to the constitutional amendment proposed by the 71st Legislature,  
14 Regular Session, 1989, requiring a district attorney serving in a  
15 judicial district composed entirely of Fort Bend County to be  
16 elected and serve a term in the manner provided by general law for  
17 criminal district attorneys.

18 (b) The constitutional amendment takes effect January 1,  
19 1990.

20 (c) This temporary provision takes effect on the adoption of  
21 the amendment by the voters and expires January 2, 1990.

22 SECTION 3. This proposed constitutional amendment shall be  
23 submitted to the voters at an election to be held on November 7,  
24 1989. The ballot shall be printed to provide for voting for or

4-27-89  
5-9-89  
5-26-89

1     against the proposition: "The constitutional amendment requiring a <sup>1/2</sup>  
2     district attorney serving in Fort Bend County to be elected and  
3     serve a term in the manner provided by general law for criminal  
4     district attorneys."

By: Brown S.J.R. No. 71  
(In the Senate - Filed April 10, 1989; April 10, 1989, read first time and referred to Committee on Intergovernmental Relations; April 27, 1989, reported favorably by the following vote: Yeas 6, Nays 0; April 27, 1989, sent to printer.)

COMMITTEE VOTE

	Yea	Nay	PNV	Absent
Parmer	x			
Leedom	x			
Armbrister	x			
Barrientos				x
Brown	x			
Carriker	x			
Haley				x
Ratliff	x			
Tejeda				x
Washington				x
Whitmire				x

SENATE JOINT RESOLUTION

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SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 7, 1989. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment requiring a district attorney serving in Fort Bend County to be elected and serve a term in the manner provided by general law for criminal district attorneys."

\* \* \* \* \*

Austin, Texas  
April 27, 1989

Hon. William P. Hobby  
President of the Senate

Sir:

We, your Committee on Intergovernmental Relations to which was referred S.J.R. No. 71, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Parmer, Chairman

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 27, 1989

TO: Honorable Hugh Parmer, Chairman      In Re: Senate Joint Resolution No. 71  
Committee on Intergovernmental      By: Brown  
Relations  
Senate Chamber  
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Senate Joint Resolution No. 71 (proposing a constitutional amendment relating to the election of a district attorney in Fort Bend County) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would require the election of the district attorney in Fort Bend County to be governed by the law relating to criminal district attorneys. The proposed amendment would be submitted to the voters on November 7, 1989.

The cost of publication of the resolution to the State is estimated to be \$60,000.

Source: LBB Staff: JO, JWH, AL, LV

# SENATE FAVORABLE COMMITTEE REPORT

Lt. Governor William P. Hobby  
President of the Senate

4/27/89  
(date)

Sir:

We, your Committee on INTERGOVERNMENTAL RELATIONS to which was referred  
SJR 71 by Brown have on 4/27, 1989, had the same  
(measure) (sponsor) (hearing date)

under consideration and I am instructed to report it back with the recommendation (s) that it

☒ do pass and be printed

☐ do pass and be ordered not printed

☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

Senate Sponsor of House Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	YEA	NAY	PNV	ABSENT
Parmer, Chairman	<input checked="" type="checkbox"/>			
Leedom, Vice Chairman	<input checked="" type="checkbox"/>			
Armbrister	<input checked="" type="checkbox"/>			
Barrientos				<input checked="" type="checkbox"/>
Brown	<input checked="" type="checkbox"/>			
Carriker	<input checked="" type="checkbox"/>			
Haley				<input checked="" type="checkbox"/>
Ratliff	<input checked="" type="checkbox"/>			
Tejeda				<input checked="" type="checkbox"/>
Washington				<input checked="" type="checkbox"/>
Whitmire				<input checked="" type="checkbox"/>
TOTAL VOTES	6	0	0	5

K. B. by H. H. H.  
COMMITTEE CLERK

[Signature]  
CHAIRMAN

Paper clip the original and one copy of this form to the original bill and retain one copy for your file.

May 9 1989 Engrossed

*Patsy Spaw*  
Engrossing Clerk  
1989 MAY 16 PM 12:33

HOUSE OF REPRESENTATIVES

I certify that the attached is a true and correct  
copy of SJR 71, which was  
received from the Senate on 5-9-89 and  
returned to the Committee on County Affairs

*[Signature]*  
Clerk of the House

By: Brown  
(Tallas)

S.J.R. No. 71

SENATE JOINT RESOLUTION

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elected and serve a term in the manner provided by general law for  
criminal district attorneys.

(b) The constitutional amendment takes effect January 1,  
1990.

(c) This temporary provision takes effect on the adoption of  
the amendment by the voters and expires January 2, 1990.

SECTION 3. This proposed constitutional amendment shall be  
submitted to the voters at an election to be held on November 7,  
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against the proposition: "The constitutional amendment requiring a

S.J.R. No. 71

1 district attorney serving in Fort Bend County to be elected and  
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# LEGISLATIVE BUDGET BOARD

Austin, Texas

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Senate Chamber  
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FROM: Jim Oliver, Director

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The resolution proposes a constitutional amendment which, if adopted, would require the election of the district attorney in Fort Bend County to be governed by the law relating to criminal district attorneys. The proposed amendment would be submitted to the voters on November 7, 1989.

The cost of publication of the resolution to the State is estimated to be \$60,000.

Source: LBB Staff: JO, JWH, AL, LV



# HOUSE COMMITTEE REPORT

1st Printing

89 MAY 18 AM 10:16  
HOUSE OF REPRESENTATIVES

By: Brown  
(Tallas)

S.J.R. No. 71

## SENATE JOINT RESOLUTION

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BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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12  
S.J.R. No. 71

1 district attorney serving in Fort Bend County to be elected and  
2 serve a term in the manner provided by general law for criminal  
3 district attorneys."

COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

5-17-89  
(date)

Sir:

We, your COMMITTEE ON COUNTY AFFAIRS,

to whom was referred SJR 71 have had the same under consideration and beg to report  
(measure)

back with the recommendation that it

- ☒ do pass, without amendment.  
☐ do pass, with amendment(s).  
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☐ yes ☒ no An actuarial analysis was requested. ☐ yes ☒ no

An author's fiscal statement was requested. ☐ yes ☒ no

A criminal justice policy impact statement was prepared. ☐ yes ☒ no

A water development policy impact statement was requested. ☐ yes ☒ no

☐ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the ☐ Local, ☐ Consent, or ☐ Resolutions Calendar.

This measure ☐ proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure TALLAS

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Stiles, Ch.	X			
Campbell, V.C.				X
Chisum	X			
Crawford	X			
Jones	X			
Linebarger				X
Melton	X			
Robinson				X
Soileau				X
Wentworth				X
Willy	X			

Total  
6 aye  
0 nay  
0 present, not voting  
5 absent

Mark W. Stiles  
CHAIRMAN  
Deborah K. Wall  
COMMITTEE COORDINATOR

BACKGROUND:

Current law provides that Fort Bend County is represented by a criminal district attorney. Sec. 44.179, Government Code. Effective January 1, 1991, S.B. 1033 would abolish the office of criminal district attorney, and create the office of district attorney for the 268th District Court and create the office of county attorney for Fort Bend County.

Article XVI of the Texas Constitution provides that district and county attorneys shall serve for four years, with the next election being in 1992, while criminal district attorneys also serve for four years with their next election being in 1990. Secs. 64 & 65, Art. XVI, Texas Constitution.

PURPOSE:

S.J.R. 71 proposes a constitutional amendment relating to the election of a district attorney in Fort Bend County. The constitutional amendment has the effect of insuring that the county attorney and district attorney, who ordinarily would be elected in the same election, have their elections on offsetting even-numbered years.

RULEMAKING AUTHORITY:

It is the Committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, department, institution, or agency.

SECTION-BY-SECTION ANALYSIS:

SECTION 1. Amends Article XVI, Texas Constitution, by adding Section 65A, to provide that notwithstanding Section 65 of this Article, the election and term of office of a district attorney serving a judicial district composed entirely of Fort Bend County are governed by the law relating to criminal district attorneys.

SECTION 2. Adds to the Texas Constitution a temporary provision, which applies to the constitutional amendment proposed by the 71st Legislature requiring a district attorney serving in a judicial district composed entirely of Fort Bend County to be elected and serve a term in the manner provided by general law for criminal district attorneys. Provides that the constitutional amendment takes effect January 1, 1990. Provides that this temporary provision takes effect on the adoption of the amendment by the voters and expires January 2, 1990.

SECTION 3. Requires that this proposed constitutional amendment be submitted to the voters at an election to be held on November 7, 1989. Provides for the wording of the ballot.

SUMMARY OF COMMITTEE ACTION

S.J.R. 71 was considered in a formal meeting on May 17, 1989. The motion to report the bill favorably to the full House with the recommendation that it do pass prevailed with a vote of 6 Ayes, 0 Nays, 0 PNV, and 5 Absent.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 27, 1989

TO: Honorable Hugh Parmer, Chairman      In Re: Senate Joint Resolution No. 71  
Committee on Intergovernmental      By: Brown  
Relations  
Senate Chamber  
Austin, Texas

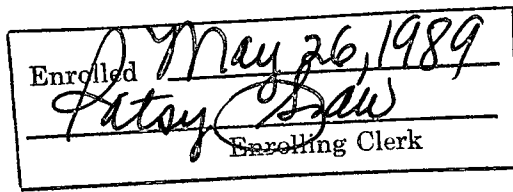
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Source: LBB Staff: JO, JWH, AL, LV



S.J.R. No. 71

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S.J.R. No. 71

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2 serve a term in the manner provided by general law for criminal  
3 district attorneys."

---

President of the Senate

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Speaker of the House

I hereby certify that S.J.R. No. 71 was adopted by the Senate  
on May 9, 1989, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

I hereby certify that S.J.R. No. 71 was adopted by the House  
on May 25, 1989, by the following vote: Yeas 141, Nays 0, three  
present not voting.

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Chief Clerk of the House

# LEGISLATIVE BUDGET BOARD

Austin, Texas

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Source: LBB Staff: JO, JWH, AL, LV



5/21/89

S.J.R. No. 71

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.J.R. No. 71 (1) was adopted by the  
Senate on May 9 (2), 1989, by the following vote:  
Yeas 31 (3), Nays 0 (4).

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.J.R. No. 71 (1) was adopted by the  
House on May 25 (5), 1989, by the following vote:  
Yeas 141 (6), Nays 0 (7), three present not voting.

\_\_\_\_\_  
Chief Clerk of the House



\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommended to Conference Committee

\_\_\_\_\_ Conferees discharged

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

89 MAY 18 AM 10:16  
HOUSE OF REPRESENTATIVES